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Santa Barbara County Pesticide Regulatory Program 2006/2008 Performance Evaluation Report

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Performance Evaluation of the Santa Barbara County Agricultural Commissioner's Pesticide Use Enforcement Program

This report provides a performance evaluation of the Santa Barbara County Agricultural Commissioner's (SB CAC) pesticide use enforcement (PUE) program for the fiscal years 2006/2007 (FY 06/07) and 2007/2008 (FY 07/08). The assessment evaluates the performance of goals identified in the SB CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program Elements

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

B) Compliance Monitoring:

The overall compliance monitoring program element was found to be effective although one sub element needs improvement.

C) Enforcement Response:

The enforcement response program element was found to meet DPR standards and work plan goals.

Summary Statement:

SB CAC's overall pesticide use program is currently effective. DPR made recommendations to SB CAC on ways to enhance the pesticide use enforcement program.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

- 1) **Permit Issuance** - Restricted Material Permits (RMP) are generally issued during the months of December-February. DPR Enforcement Branch Liaison's (EBL) random review of representative sample of restricted material permits and observations during the issuance process indicate this sub-program criteria conform to DPR's standard and expectations. Licensed Pesticide Use Enforcement (PUE) staff issue restricted material permits. The EBL's evaluation determined that permits are issued to only qualified applicants, signed by authorized persons, issued for time periods allowed by law, and permit amendments follow approved procedures. SB CAC continues to put extensive staff resources to issue soil fumigation permits and work plans. The SB CAC staff utilizes state of the art mapping software to identify sensitive areas during the RMPs issuance.

Site Evaluation - Licensed staff are assigned daily to conduct site evaluations. All Notice of Intents (NOI) are reviewed by PUE licensed Biologists. During the FY 06/07 SB CAC monitored 2% of the NOI. During FY 07/08 SB CAC monitored 3% of the NOI. California Code of Regulations Sec. 6436 requires that a CAC monitor a minimum of 5% of NOI or permitted sites. The percentages of NOI monitored do not include the additional pre-application site visitation conducted by SB CAC staff to verify information on methyl bromide worksite plans and chemigation (fumigant) applications. These "pre-application" site monitoring are not documented on DPR Pre-Application Site Evaluation forms. In FY 06/07 there was an increase in strawberry acreages in Santa Barbara County and SB CAC staff increased their licensed work hours to accommodate additional worksite plan review.

B) Compliance Monitoring:

- 1) **Inspections** – SB CAC inspection procedures and performance were evaluated through DPR's oversight inspections and record reviews in Santa Barbara, Santa Maria, Carpinteria, Solvang and Lompoc offices. Based on DPR's oversight inspections, field observations, records review and follow up discussions with the SB CAC management, the EBL determined that SB CAC should reconsider prioritizing inspections. DPR Inspection Procedures Manual outlines how to prioritize inspection selections.

According to the SB CAC workplan for 2006-2008, the CAC intended to give a high priority to monitor soil fumigation application. Review of the 2007-2008 PRAMR data indicates that only 10 inspections were conducted on soil fumigant pesticides.

An assessment of monthly NOIs received by SB CAC and number of inspections conducted by the SB CAC staff on California Restricted Material pesticides are listed below:

Month	NOI	Prod Ag Inspections	Non Production Ag Inspections
February 2007	194	2	3
March 2007	290	0	1
April 2007	343	1	2
May 2007	383	1	2
June 2007	345	2	2

The reduction in inspection numbers have been attributed to loss of several veteran inspectors during the past two years, the time it takes to train new staff and increase in time spent on reviewing significant number of methyl bromide worksite plans. Additionally, the SB CAC staff visits application site of every permittee that submits a methyl bromide worksite plan and growers who intend to apply a fumigant through chemigation to verify accuracy of the information contained in Restricted Material Permitting process.

According to historical PURs, Santa Barbara County average approximately 5,500 structural Branch I fumigations per year. SB CAC staff conducted 33 Branch I fumigation inspections during FY 07/08.

Historical data indicate SB CAC conducted 805 inspections in FY 04/05. During FY 05/06 SB CAC conducted 616 inspections. During FY 06/07 SB CAC conducted 210 inspections. During FY 07/08 SB CAC conducted 255 inspections. These numbers exclude Pre-Applications Site Evaluation inspections.

A variety of agricultural crops are grown throughout Santa Barbara County. Principal north county crops in Santa Maria, Lompoc and Solvang include vegetable crops and wine grapes. The majority of the production agriculture pesticide applications occur during the nighttime or early morning hours in the Santa Maria Valley. SB CAC determined these applications are made by a limited number of the Pest Control Businesses for the same crops using the same pesticides. The pesticide use enforcement surveillance activity on these applications found very minimal compliance issues. Additionally, the pesticide use enforcement program focus on surveillance of other growers with compliance problems may have resulted in fewer inspections.

- 2) **Investigations** - DPR Worker Health and Safety Branch (WH&S) tracks assignments and CAC completion dates and reviews all priority and non-priority human health investigations. DPR's Enforcement Branch reviews all pesticide related complaint investigations. The EBL and WH&S review

of investigations indicate that SB CAC conducted investigations in accordance with DPR policy and guidance. The investigations documented violations and completed in a timely manner. Investigative samples were collected and shipped in accordance with DPR policy. The investigations provided necessary information to successfully take administrative civil penalty actions. SB CAC investigates all complaints that appear to be pesticide related and refers and/or notifies DPR and other agencies as required. During FY 07/08, one priority pesticide episode incident was referred to SB County District Attorney's Office.

C) Enforcement Response:

Review of Enforcement actions indicates SB CAC's Enforcement Response is in accordance with DPR policy and guidelines. SB CAC levied fines in the appropriate category and adhered to statutory time frames. The SB CAC staff put extensive amount of time on writing Decision Reports and are thorough and well written. SB CAC has a management staff that is assigned to review and process all enforcement matters.

III. Training and Outreach

The SB CAC outreach activity to industry has doubled from FY 06/07 to FY 07/08. The SB CAC staff specifically designed a methyl bromide training module for the strawberry growers and provided small-group sessions. SB CAC also instituted weekly training sessions for growers who failed the Private Applicator Certificate Exam. There were 109 sessions which 602 persons attended.